

**AN ORDINANCE AMENDED THE CODIFIED ORDINANCES OF
THE VILLAGE OF HAMERSVILLE AND
DECLARING AN EMERGENCY**

WHEREAS, the Legislature of the State of Ohio has created and amended certain statutes relating to the administration and enforcement of motor vehicle operation laws and laws relating to the purchase and consumption of beer and intoxicating liquor, and

WHEREAS, the Supreme Court of Ohio has determined that criminal statutes are state wide interest requiring municipal corporations to adopt ordinances which are not in conflict with the state laws, and

Whereas the Council wishes to amend the Village Ordinances to comply with the Ohio Revised Code and to permit the enforcement of said laws within the Village Mayor's Court, now therefore:

BE IT ORDAINED by the Council of the Village of Hamersville, Brown County, Ohio, at least three-fourths of its members concurring.

SECTION 73.01(B) and 73.01(C) OF THE CODIFIED ORDINANCES OF THE VILLAGE OF HAMERSVILLE IS HEREBY REPEALED. SECTION 73.01(B) AND 73.01(C) ARE AMENDED AS FOLLOWS: LOWING:

73.01 DRIVING WHILE INTOXICATED OR DRUGGED

(B) No person under eighteen years of age shall operate any vehicle streetcar, or trackless trolley within this state, if any of the following apply:

(1) the person has a concentration of at least two-hundredths of one per cent but less than ten-hundredths of one per cent by weight of alcohol in his blood;

(2) the person has a concentration of at least two-hundredths of one gram but less than ten-hundredths of one gram by weight of alcohol per two hundred ten liters of his breath;

(3) the person has a concentration of at least twenty-eight one thousandths of one gram but less than fourteen-hundredths of one gram by eight of alcohol in his urine.

(C) In any proceeding arising out of one incident, a person may be charged with a violation of division (a)(1) and a violation of division (b)(1), (2), or (3) of this section, but he may not be convicted of more than one violation of these divisions.

SECTION 72.07 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF HAMERSVILLE IS HEREBY REPEALED AND AMENDED TO INCLUDED THE FOLLOWING:

72.07 OPEN CONTAINER PROHIBITED

(A) As used in this section, "street," "highway," and "motor vehicle" have the same meaning as in section 4511.01 of the revised code.

(B) No person shall have in his possession an opened container of beer or intoxicating liquor in any of the following circumstances:

1. in a state liquor store,
2. on the premises of the holder of any permit issued by the department of liquor control,
3. in any other public place;
4. while operating or being a passenger in or on a motor vehicle on any street, highway, or other public or private property open to the public for purposes of vehicular travel or parking;
5. while being in or on a stationary motor vehicle on any street, highway, or other public or private property open to the public for purposes of vehicular travel or parking.

(C) This section does not apply to beer or intoxicating liquor which has been lawfully purchased for consumption on the premises where bought of a holder of an A-1-A, A-2, D-1, D-2, D-3, D-3a, D-4, D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-7, E, F, OR F-2 permit OR to beer or intoxicating liquor consumed on the premises of a convention facility as provided in section 4303.201 of the Revised Code.

SECTION 92.99(C) AS IT RELATES TO SECTION 92.12 IS HEREBY REPEALED AND SECTION 92.99 IS HEREBY AMENDED TO INCLUDE THE FOLLOWING SUBSECTION.

SECTION 92.99 PENALTIES

(K) Whoever violates section 92.12 of the village code is guilty of a misdemeanor of the first degree, if, in committing a first violation of that section, the offender presented to the permit holder or his employee or agent a false fictitious, or altered identification card, a false or fictitious driver's license purportedly issued by an state, or a driver's license issued by any state which has been altered, the offender is guilty of a misdemeanor of the first degree and shall be fined not less than two hundred fifty and not more than one thousand dollars, and may be sentenced to a term of imprisonment of not more than six months.

(2) on a second violation in which, for the second time, the offender presented to the permit holder or his employee or agent a false, fictitious, or altered identification card, a false or fictitious driver's license purportedly issued by any state or a driver's license issued by any state which has been altered, the offender is guilty of a misdemeanor of the first degree and shall be fined not less than five hundred nor more than one thousand dollars, and may be sentenced to a term of imprisonment of not more than six months. the court also may suspend the offender's driver's or commercial driver's license or permit or nonresident operating privilege or deny the offender the opportunity to be issued a driver's or commercial driver's license for a period not exceeding sixty days.

(3) on a third or subsequent violation in which for the third or subsequent time, the offender presented to the permit holder or his employee or agent a false fictitious, or altered identification card, a false or fictitious driver's license purportedly issued by any state, or a driver's license issued by any state which has been altered, the offender is guilty of a misdemeanor of the first degree and shall be fined not less than five hundred nor more than one thousand dollars, and may be sentenced to a term of imprisonment of not more than six months. the court also shall suspend the offender's driver's or commercial driver's license or permit or nonresident operating privilege or deny the offender the opportunity to be issued a driver's license or commercial driver's license for a period of ninety days, and the court may order that the suspension or denial remain in effect until the offender attains the age of twenty-one years. the court also may order the offender to perform a determinate number of hours of community service, with the court determining, the actual number of hours and the nature of the community service the offender shall perform.

THIS ORDINANCE IS DECLARED TO BE AN EMERGENCY ORDINANCE AS IT REGULATES THE OPERATION OF MOTOR VEHICLES UPON THE STREETS AND PUBLIC WAYS OF THE VILLAGE, AND AFFECTS THE HEALTH SAFETY AND WELFARE OF THE VILLAGE RESIDENTS

Adopted:


MAYOR

ATTEST:


VILLAGE CLERK 